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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23643	7590	11/27/2007		
BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER MAI, TRI M	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,337	Applicant(s) SELVI, SEDAT	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/07; 4/18/06</u> | 6) <input type="checkbox"/> Other: ____ |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cross section of the gusset, the internal wire of the piping along with its cross section must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The claim set forth that the construction does not rely on the use of corners supports. However, the embodiments including the corner wheels supports these are the corner supports. It is unclear what are defined as corners supports.

3. Claims 6, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“such as” renders the claim indefinite.

Claims 9 and 10 are narrative and render the claim indefinite, e.g., “that in order to provide capability”.

Claim 9 recites two zip fasteners. Claim 10 then again recite the zipper. This is a double inclusion.

“runs of piping” is narrative.

Regarding claims 11-12, it is unclear by “the provision”.

4. Claims 1-4, 7, 8, 11, and 13 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hsieh (20050056511). Hsieh teaches a luggage a “soft” case with a lid 2, a base 2 and without the perimeter frame and side, base or back panel as claimed.

5. Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hsieh in view of Van Hoyer et al. (20040231941) or Lee (5284542). Hsieh meets all claimed limitations except for the foam. It would have been obvious for one of ordinary skill in the art to make the material from foam as taught by Van Hoyer (para. 7) or Lee (abstract) to provide the desired material for the case.

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6. Claim 9 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hsieh rejection in view of Dyke (3443671) or Chun Wen (UK 2173393). Hsieh rejection meets all claimed limitations except for the gussets. Dyke teaches that it is known in the art to provide gussets one two sides of the opening 12 in Fig. 10. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers and piping to enable one to store additional contents and to collapse the luggage easily. Chun Wen teaches that it is known in the art to provide gussets one two sides of the opening in Fig. 1. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers to enable one to store additional contents

7. Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hsieh in view of either Workman (4784248) or Lowe (1751936). It would have been obvious for one of ordinary skill in the art to provide piping with internal wire as taught by Workman, note 34, or Loew, note portion 22, to provide added protection.

8. Claim 1-3, and 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Paudler (6003646). Paudler teaches a soft side luggage (col. 1, ln. 64).

9. Claim 4 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Paudler in view of either Dercole (6102172) or Browning (3606372). It would have been obvious for one of ordinary skill in the art to provide a towing handle and wheels as taught by either Dercole or Browning to transport the case easily.

10. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Paudler in view of Ikelheimer (2912080). It would have been obvious for one of ordinary skill in the art to provide corrugations as taught by Ikelheimer (col. 3, ln. 59) to enable the shells to be molded easily.

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11. Claims 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paudler in view of Lee or Natho (5004519). It would have been obvious to one of ordinary skill in the art to make the device from foamed plastic EVA as taught by Lee (note abstract) or Natho et al. (col. 3, ln. 2) to provide the desired material for the case.

12. Claim 8, 9, 10, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paudler in view of Dyke or Chun Wen (UK 2173393). Paudler rejection meets all claimed limitations except for the gussets. Dyke teaches that it is known in the art to provide gussets one two sides of the opening 12 in Fig. 10. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers and piping to enable one to store additional contents and to collapse the luggage easily. Chun Wen teaches that it is known in the art to provide gussets one two sides of the opening in Fig. 1. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers to enable one to store additional contents

13. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paudler in view of Mastrantonio (1616632). It would have been obvious to one of ordinary skill in the art to provide wheels at each corner, as taught by Mastrantonio, to enable one to transport the case easily.

14. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Paudler in view of either Workman (4784248) or Lowe (1751936). It would have been obvious for one of ordinary skill in the art to provide piping with internal wire as taught by Workman, note 34, or Loew, note portion 22, to provide added protection.

15. Claims 1-4, 6-8, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck et al. (D492110), in view of either Lee or Natho. Van Himbeeck teaches a

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luggage with a soft case. Van Himbeeck does not mention the molded lid and base sections.

Either Lee or Natho teaches that it is known in the art to provide molded lid and base sections. It would have been obvious to one of ordinary skill in the art to provide molded lid and base sections to provide the desired material for the case.

16. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck in view of Ikelheimer. It would have been obvious for one of ordinary skill in the art to provide corrugations as taught by Ikelheimer (col. 3, ln. 59) to enable the shells to be molded easily.

17. Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck in view of Dyke or Chun Wen (UK 2173393). Paudler rejection meets all claimed limitations except for the gussets. Dyke teaches that it is known in the art to provide gussets one two sides of the opening 12 in Fig. 10. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers and piping to enable one to store additional contents and to collapse the luggage easily. Chun Wen teaches that it is known in the art to provide gussets one two sides of the opening in Fig. 1. It would have been obvious to one of ordinary skill in the art to provide two gussets with zippers to enable one to store additional contents


18. Claims 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck rejection as set forth in paragraph 15, and further in view of Workman (4784248) or Lowe (1751936). Van Himbeeck teaches the two pipings on both sides of the zipper. It would have been obvious for one of ordinary skill in the art to provide piping with internal wire as taught by Workman, note 34, or Loew, note portion 22, to provide added protection.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai 
Primary Examiner
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